

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

RYAN KLAASSEN *et al.*,

Plaintiffs,

v.

THE TRUSTEES OF INDIANA
UNIVERSITY,

Defendant.

CAUSE NO. 1:21-CV-238 DRL-SLC

MEMORANDUM OF SCHEDULING CONFERENCE & ORDER

The court held a hearing on June 25, 2021 to establish the following schedule for the preliminary injunction request. Counsel appeared for all parties. Any exchange of disclosures or submissions between the parties must be done by email or other electronic means to facilitate prompt receipt and maintenance of this expedited schedule.

By June 28, 2021, any party may file a motion by 12:00 p.m. requesting the presiding judge to recuse, and any response must be filed by 5:00 p.m. that day.

The students, as plaintiffs, must disclose any expert materials under Fed. R. Civ. P. 26 for use at the preliminary injunction by June 28, 2021.

By June 29, 2021, the parties must meet and confer about narrowing the issues of discovery contained in the request ECF 9-1. The court expects the parties to work cooperatively bearing in mind the standards of Rule 26 governing discovery, particularly within an expedited schedule. The parties may contact chambers jointly to request a telephonic hearing to resolve discovery disputes without filing a motion.

Based on stipulations by the parties winnowing the other requests, the court deems the requests case discovery and made as of today, without need to re-serve, and orders Indiana University to respond to these requests, specifically ECF 9-2 (requests 1-3 only) and ECF 9-3 (request 16 only)

by July 2, 2021. A party must respond to other written discovery framed for the preliminary injunction within seven days of email receipt, unless excused by the court. The parties must promptly discuss and schedule dates for depositions to comply with this order and utilize the most reasonable and efficient means for conducting these depositions.

By July 1, 2021, the defendant must disclose any expert materials under Fed. R. Civ. P. 26 for use at the preliminary injunction.

The parties must complete all briefing related to the preliminary injunction issues as follows: the defendant's response by July 2, 2021 (35 pages), and plaintiffs' reply by July 6, 2021 (20 pages). These briefs must include all issues for the court's consideration, including those raised at the hearing—for instance, standing, argument on whether Indiana's "passport" law creates a private right of action, any argument for dismissal, and any argument related to the preliminary injunction request. No other briefing will be accepted unless requested by the court.

On July 9, 2021, discovery related to the preliminary injunction motion will close.

By July 12, 2021, based on the parties' agreement to forego an evidentiary hearing, both sides must file any evidence for the court's review, including any expert materials, deposition transcripts (or excerpts), affidavits, exhibits, or otherwise. The parties should meet and confer to determine whether a joint submission may be filed, and the court encourages such a joint submission. The evidence also must be provided in hard-copy, bound, indexed, and organized, to the court's chambers on July 12, 2021 by 5:00 p.m.

On July 13, 2021 at 1:30 p.m., the court will hold oral argument on the preliminary injunction motion in the South Bend courtroom.

Accordingly, the court GRANTED plaintiffs' motion for leave to file excess pages (ECF 8), while also giving the defendant the same courtesy of an additional ten pages for its response and the plaintiffs an additional five pages for their reply; GRANTED plaintiffs' motion to expedite in

accordance with the discussion held on the record (ECF 9); and DENIED the request for the third-party subpoena (ECF 9). The motion to consolidate was WITHDRAWN (ECF 10).

SO ORDERED.

June 25, 2021

s/ Damon R. Leichty

Judge, United States District Court